

ZONING BOARD OF APPEALS

April 9, 2007

MINUTES

The Zoning Board of Appeals for the Town of Philipstown held a work session on Monday, April 9, 2007, at the Philipstown Town Hall, 238 Main Street, Cold Spring, New York. The work session was opened by Vincent Cestone, Chairman, at 7:30 p.m.

PRESENT:	Vincent Cestone	-	Chairman
	Lenny Lim	-	Member
	Bill Flaherty	-	Member
	Robert Dee	-	Member
	Paula Clair	-	Member
	Adam Rodd	-	Counsel
ABSENT:	Kim Shewmaker	-	Secretary

Vincent Cestone - Red lights on and the tape is turning?

Adam Rodd - Yep

Vincent Cestone - We're gold. Okay. Mr. Henny

Donald Henny - here

Vincent Cestone - We just wanted, you have new drawings for us and I think that's about all we asked for

Donald Henny - Yes and actually I had to redraw the plans because, here is one set. I don't know how many sets you need. I've got more

Vincent Cestone - So this

Lenny Lim - One for each board member and then one for the record

Vincent Cestone - What we will do is we will only open up the one

Lenny Lim - You've got all the measurements

Donald Henny - Yes

Vincent Cestone - This goes from the corner of the addition 5.73 is that what that says?

Donald Henny – I have a site plan

Vincent Cestone - Okay

Lenny Lim - That's better. There's the numbers

Adam Rodd - Do you have just one copy of this

Donald Henny – No I have more copies

Vincent Cestone - Is this what is being added on?

Donald Henny – No the upstairs. A bathroom upstairs. We are raising the roof.

Vincent Cestone - This is nonconforming. Anything he does he has to come before us

Paula Clair - Yeah right

Vincent Cestone - so the second story is going up behind the covered porch. Is that correct

Donald Henny – that is correct.

Vincent Cestone - So your second story is not coming any closer than 12.2 feet

Donald Henny – Right. It is exactly the same line as the

Lenny Lim - So in other words

Donald Henny – This building here

Lenny Lim - In that line there

Donald Henny – Right

Lenny Lim - Okay so then he is actually further back from the porch

Vincent Cestone - Right

Donald Henny – That's correct

Paula Clair - So you are building up on the existing structure

Donald Henny – That's correct

Paula Clair - And you are not going beyond the borders of the structure

Donald Henny – No

Lenny Lim - No bay window is going to stick out

Donald Henny – No

Lenny Lim - Just straight up

Donald Henny – Yeah

Vincent Cestone - The only other thing remember when we asked about the maximum height of the structure

Donald Henny – Right. And we put that in here on the second page

Lenny Lim - He has them on both sides now. There you go

Adam Rodd - Do you know how far back the structure is going to be or is from Route 9D

Donald Henny – It should be on the site plan

Vincent Cestone - Here you go Adam. 12 feet 2 inches. 12.2 feet

Adam Rodd - That indicates the distance to a stone retaining wall

Donald Henny – No there is an arrow here. The arrow ends right at the beginning of this corner of the house

Lenny Lim - It is 12.2 on our map and it's 12.2 to the stone wall

Donald Henny – No there is an arrow here. There is a double headed arrow and it says 12.2 feet and the arrow stops at the corner of the building

Lenny Lim - And the stone wall on the other side. Is the stone wall your property line or does your line extend beyond that stone wall

Donald Henny – No that stone wall is my property line

Robert Dee - Because this building is only 12.2 feet back from the stone wall

Donald Henny – Right

Lenny Lim - Which is pre-existing nonconforming, built earlier. None of this is our concern just this here. This corner.

Vincent Cestone - It is only the closest corner that we are concerned about. But we can put in the resolution that it will stay in, the second story structure stays within the confines of the current house

Lenny Lim - Stays right in the footprint. It cannot go out in any way

Donald Henny – That's all we want to do. It is too expensive to go out

Vincent Cestone - Oh yeah. When you start adding foundation that's when the big bucks come in

Donald Henny – It's a 180 year old house.

Vincent Cestone - Any questions from the board on this? Any comments from the audience? I'll make a motion to close the public hearing. Do I have a second

Bill Flaherty - Second

Vincent Cestone - All in favor

All Board Members – aye

Adam Rodd - One quick question. Did the record reflect the highest

Vincent Cestone - Yes.

Adam Rodd - Which is what

Vincent Cestone - Here Adam. If you look 28. Looking at the front of the structure 28 feet on the left side of the house and 27 and a half feet on the right side of the house from ground level.

Adam Rodd - The highest point is 28 feet

Vincent Cestone – Right. Okay. I'll make a motion for a straw poll. Do I have a second?

(?) - Second

Vincent Cestone - All in favor

All board members – aye

Vincent Cestone - Len?

Lenny Lim - I just want to see the height from the back. Okay. I'll vote in favor

Vincent Cestone - Bob?

Robert Dee - I vote in favor

Paula Clair - I vote in favor

Vincent Cestone - Bill?

Bill Flaherty - I vote in favor

Vincent Cestone - And so do I

Donald Henny – Thank you.

Vincent Cestone - What you can do is you can tell Tom that we did a straw poll. He really can't do anything until we physically vote on the resolution. But you can, as soon as Adam gets a resolution to us, we can vote on it. The law says 62 days but generally it is not 62 days

Donald Henny – So I can start taking bids

Vincent Cestone - By the time you get your bids done, you should have everything set down stairs

Donald Henny – Thank you very much. I appreciate it.

Vincent Cestone - A review of minutes of March 29th. Any additions or corrections? I will make a motion to accept the minutes as submitted

Bill Flaherty - Second

Vincent Cestone - All in favor?

All board members - aye

Vincent Cestone - Let's do the reviews for completeness. We have a new application John Benjamin. I looked at it Adam

John Benjamin – It didn't have the deeds

Vincent Cestone - That's what I was looking for

John Benjamin – Can I give you these now

Vincent Cestone - Yes you can

John Benjamin – Hi everybody. I'm John Benjamin.

Vincent Cestone - One copy for each of us. The signed one goes to the attorney for the record.

John Benjamin – My card is in there.

Vincent Cestone - Adam, do you have anything on this? Did you see anything missing?

Adam Rodd - No. I noted on the application that there were certain items that were missing from the appeal form. So it is up to the applicant, I think he can certainly provide testimony with respect to the missing items. But other than that it appears to be complete. I understand the application is essentially in the zoning district there is a 30 foot side yard requirement and the addition that he is proposing is set from the side yard lot line by a distance ranging from 28 feet to 28 feet 6 inches. So that is the substance of the variance that is sought.

Lenny Lim - So he is complete?

Vincent Cestone - Yeah. So I don't know, how much time does Kim need to get this thing advertised?

Lenny Lim - About 2 weeks.

Vincent Cestone - Do you think we can make it for the meeting on the 23rd?

Lenny Lim - It has to be in by Monday in order to make it by the edition. It's close

Robert Dee - It's cutting it close

John Benjamin – I think downstairs they said it would be the 14th of May

Vincent Cestone - Well we have to advertise this in the paper legally to give the residents of the community the option of coming in and talking about this and we are concerned about the timing to get in to the paper

John Benjamin – Right right

Vincent Cestone - If it doesn't make it in to the paper, we can't by law have a public hearing.

Robert Dee - It will be safer with the May date

Lenny Lim - Yeah. Because we have to have it by Monday at a certain time or we miss it

Vincent Cestone - We will not make that date so

Lenny Lim - It's close so you might as well put it in for May

Vincent Cestone - That would make the next meeting the first

Lenny Lim - No two and four

Vincent Cestone - Yeah right.

Lenny Lim - After all these years of the first and the third

Vincent Cestone - May 14th.

John Benjamin – That's fine

Vincent Cestone - May 14th for a public hearing 7:30 here

John Benjamin – That's it

Lenny Lim - That's it

John Benjamin – Okay. thank you

Vincent Cestone - All right.

John Benjamin – Should I bring an architect

Vincent Cestone - It is up to you. I have read your application, you know, generally something like this, I can't give you a good answer yes or no because the board members may ask something that you can't provide to us. So if you wanted to be absolutely safe, yes. Do you want to take a chance? No.

John Benjamin – I think I can answer all the questions.

Vincent Cestone - Okay. I don't think we got anything from for Hugh James Rossouw. We were missing

Robert Dee - There is no CO

Lenny Lim - No CO

Vincent Cestone - We still don't have a CO on that.

Lenny Lim - Incomplete

Vincent Cestone - So that one is still incomplete. We will review for completeness again, I am going to skip the next meeting in April and put it on May 14th.

Bill Flaherty - May 14th?

Vincent Cestone - Yes and we still have the meeting with the Town on April 25th here.

Bill Flaherty - Okay. So May 14th

Vincent Cestone - All right the next thing is the review of

Lenny Lim - This was the most nasty applicant. Remember with

Paula Clair - What was that?

Lenny Lim - Gagnon. He owns the Cold Spring Mirror and Glass. He wants to do some cockamamie thing of building this three car garage with 20 foot bays. I mean it was just and he would sit there and he would make, he would put his feet out and he would make comments like crazy.

Vincent Cestone - He was nasty. He was okay this time.

Paula Clair - But he was okay last time

Lenny Lim - Yeah. Much different. Night and day.

Vincent Cestone - You are on for Weinpahl

Adam Rodd - I circulated the draft resolution on Weinpahl. Hopefully you had a chance to look see and all that needs to be done is the resolution to be voted on.

Vincent Cestone - Okay. If you can just for the record read the resolution, not the resolution. The main part talking about our findings and what we are voting on.

Adam Rodd – Sure. Basically it is the capitalized portion of pages, the first few

pages of the resolution which indicates as you can see that the appeal of David Weinpahl from the issuance of building permits for the parcels identified on the tax map by section 27, lot 1, lot 26.1 and section 27 lot 26.2 be granted to the extend of suspending these building permits for these two lots pending the receipt of site plan approval from the Town of Philipstown Planning Board for the proposed construction and development of the aforesaid lots as required by section 175-41 of the zoning law of the Town of Philipstown.

Vincent Cestone - So in essence what we are doing here is we rescinded the building permits and we are sending it to the Planning Board for site plan approval

Lenny Lim - Are we saying in here exactly why we did it

Adam Rodd – Yes

Vincent Cestone - What I am going to do is I am going to circulate a document here, if you have email, put your email on here because Adam sends me the resolutions a couple of days ahead of time. I will forward them to you. Do you want to take a few minutes to read it

Lenny Lim - There it is. Okay he's got it in there what we need.

Vincent Cestone - I will make a motion to accept the resolution as submitted. Do I have a second

Bill Flaherty - I'll second

Vincent Cestone - All in favor

All Board Members - aye

Vincent Cestone - Roll call vote. Len?

Lenny Lim - Now I am still confused. Am I voting in favor of Weinpahl right

Vincent Cestone - We are voting in support of this resolution as it has been written

Lenny Lim - Okay. I'll vote in favor

Vincent Cestone - Bob?

Robert Dee - I vote in favor

Vincent Cestone - Paula?

Paula Clair - I vote in favor also

Bill Flaherty - I vote for

Vincent Cestone - And so do I. Next resolution if Tyler Gagnon. And the only thing we are concerned about are the conditions of the variance. You don't have email?

Lenny Lim - I don't have a computer

Vincent Cestone - What kind of American are you?

Lenny Lim - I've got to use five different monitors at work. I refuse to have a computer

Vincent Cestone - From now on, we are going to print them on parchment paper

Adam Rodd - Basically on Gagnon I have identified each of the proposed setbacks and also added the condition concerning height

Lenny Lim – Great

Vincent Cestone - Do you need more time?

Lenny Lim - No. I'm good

Vincent Cestone - I'll make a motion to accept the resolution as submitted.

Bill Flaherty - Okay

Vincent Cestone - All in favor

All Board Members - Aye

Paula Clair - I think we should grant it

Bill Flaherty - I vote in favor

Vincent Cestone - Bob?

Robert Dee - I vote in favor

Vincent Cestone - Len?

Lenny Lim - I vote in favor

Vincent Cestone - And so will I. Any old business? With that I'll

Lenny Lim - Second

Vincent Cestone - All in favor

All Board Members - aye

NOTE: These Minutes were prepared for the Zoning Board of Appeals and are subject to review, comment, emendation and approval thereupon.

DATE APPROVED: 5/14/07

Respectfully submitted,

Kim Shewmaker
Secretary